

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON DIVISION

STEPHANIE E. WILLIAMS, SHAWN R.)
WILLIAMS, and VERA C. WILLIAMS)
)
Plaintiffs,) Cause No. 3:17-cv-1253
)
v.)
)
MISHIDA JUNICHI and TOYOTA)
BOSHOKU AMERICA, INC.,)
)
Defendants.)
)

NOTICE OF REMOVAL AND DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants, Junichi Hishida (improperly named Mishida Junichi) ("Hishida") and Toyota Boshoku America, Inc. ("TBA"), by and through their attorneys, HEPLERBROOM, LLC, remove to this Court the above entitled case from the Circuit Court of Lawrence County, Illinois and state as follows:

1. The removed case is a civil action filed on October 5, 2017, in the Circuit Court of the County of Lawrence, Illinois, bearing case number 2017-L-11 in the records and files of that court.
2. As required by 28 U.S.C. § 1446(a), attached as Exhibits A and B are copies of the summons and complaint served upon Hishida. Copies of the summons and

complaint served upon TBA are attached as Exhibits C and D.

3. Venue of this removed action is proper under 28 U.S.C. § 1441(a), because this Court is the United States District Court for the district and division corresponding to the place where the state court action was pending.

4. Plaintiffs, Stephanie E. Williams, Shawn R. Williams, and Vera C. Williams, are citizens of the State of Illinois.

5. Defendant Hishida is a citizen of the State of Indiana. He was served with the summons and complaint on October 20, 2017.

6. Defendant TBA is incorporated under the laws of Michigan, and its principal place of business is located in Kentucky. It was served with an expired summons and with the complaint on November 7, 2017. Even though TBA was not properly served, it consents to this removal.

7. This Notice of Removal is filed by Defendants with this Court within 30 days of receipt by Hishida and TBA through service of the initial pleading as required by 28 U.S.C. § 1446(b).

8. There is in excess of \$75,000.00 in controversy in this matter.

9. Although Plaintiffs' Complaint only prays for damages in an amount in excess of \$50,000.00, pursuant to Illinois law pleading requirements, there is in excess of \$75,000.00 in issue. Each of the Plaintiffs allege that they were injured as a result of a motor vehicle accident. They each allege, at least in one of the counts brought by each of

them, that they were "hospitalized, required emergency treatment," were injured about their bodies and heads, and were "unable to work." Ex. A, p. 3, 5, 8, 10, 12. And, they further allege that they "incurred pain and suffering in the past, present[,] and future[;]" suffered emotional trauma[;] continue[] to suffer emotional traumas and will suffer emotional traumas in the future[;] ... [were] forced to incur hospital and medical bills for [their] treatment and will have medical bills in the future; and missed work resulting in monetary loss[] and will continue to incur monetary loss in the future." Ex. A, p. 3, 5, 8-10, 12. Additionally, in Count III, Shawn R. Williams specifies that he "sustained injuries to his left knees[;] suffered cuts, bruises[,] and abrasions to his body[;] exacerbated an existing pancreatic condition[;] ... [and] became liable for medical treatment, ambulance service, including helicopter, and continues to be liable for medical treatment and bills and future medical treatment and bills ..." Ex. A, p. 6-7.

10. Accordingly, the amount in controversy for Plaintiffs' claims are in excess of \$75,000.00, exclusive of interests and costs.

11. Defendants remove this case pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 due to diversity of citizenship among the parties and sufficient amount in controversy.

12. Defendants will promptly serve written notice of the removal of this action upon Plaintiffs and will file such notice with the Clerk of the Circuit Court for Lawrence County, Illinois, as required by 28 U.S.C. § 1446(d).

13. Defendants demand a trial by jury of all issues to be tried.

WHEREFORE, Defendants respectfully give notice that the above-entitled cause is removed from the Circuit Court of Lawrence County, Illinois, to the United States District Court for the Southern District of Illinois.

Respectfully submitted,

Junichi Hishida and Toyota Boshoku America, Inc.,
Defendants

By: /s/ Stephen R. Kaufmann
One of their attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2017, the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Stephen R. Kaufmann